

REMARKS

In the Final Office Action of March 24, claims 13-31 are rejected under 35 U.S.C. 102 (b) as being anticipated by Fujiie (5,528,569) et al.

The Applicants respectfully present amendments to claims 13, 17, 21, 24 and 28. The support for the amendments is found throughout the specification, for example on page 16, lines 37-42.

In the presently claimed invention, after the first record information (old data) is recorded, the dummy information (dummy data) is recorded up to a part of a data unit of a next ECC block subsequent to last ECC block containing the first record information, and then recording of the second recording information (new data) is started from predetermined position within the data unit which the dummy information is recorded. As a result, the part of the data unit of the ECC block is used as the dummy information. Therefore, it is possible to more effectively utilize the record area.

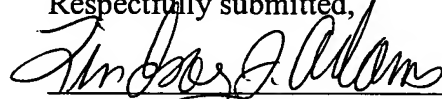
On the other hand, in Fujiie, each cluster C(Ck-1, Ck, Ck-2...etc) is composed of 32 sectors B0 to B31, and five linking sectors L1 to L5 are arranged beforehand between these clusters C for linking the adjoining clusters (See line 63-66 of col. 9, and FIG. 3 of Fujiie). However, Fujiie does not disclose the timing for recording the dummy data in the linking sectors. Stated otherwise, Fujiie does not disclose that the dummy data is recorded after the data is recorded.

Moreover, on page 3, lines 18-20 of the Final Office Action, the examiner contends that "Such argument is not supported in the claimed invention, as shown in figs 5 and 7 elements 42 and 44 are recorded outside the data unit and not inside as argued by applicant". However, since

the data unit of the ECC block is used as dummy information, as a result, the dummy information is included within the data unit.

The Applicants respectfully request for a reconsideration and a withdrawal of the rejection. In view of the amendments to the claim and the foregoing remarks, the Applicants respectfully submit that this application is in condition for allowance. The applicants do not believe there are any fees due other than the fee for the request for one-month extension of time submitted with this response. However, if any additional fees are due, please charge such sums to our Deposit Account 50-1145.

Respectfully submitted,



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